

# HOUSE BILL No. 1226

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-14-11-18; IC 31-16-6-6.

**Synopsis:** Age of majority for child support. Provides that the duty to pay child support ceases when the child becomes 18 years of age.

**Effective:** July 1, 2003.

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### Smith V

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January 8, 2003, read first time and referred to Committee on Judiciary.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

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## HOUSE BILL No. 1226



A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 31-14-11-18 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 18. The duty to support  
3 a child under this article (or IC 31-6-6.1 before its repeal) ceases when  
4 the child becomes ~~twenty-one (21)~~ **eighteen (18)** years of age unless  
5 either of the following conditions occurs:

6 (1) The child is emancipated before the child becomes ~~twenty-one~~  
7 ~~(21)~~ **eighteen (18)** years of age. If this occurs, the child support,  
8 except for educational needs, terminates at the time of  
9 emancipation. However, an order for educational needs may  
10 continue in effect until further order of the court.

11 (2) The child is incapacitated. If this occurs, the child support  
12 continues during the incapacity or until further order of the court.

13 SECTION 2. IC 31-16-6-6 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) The duty to  
15 support a child under this chapter ceases when the child becomes  
16 ~~twenty-one (21)~~ **eighteen (18)** years of age unless ~~any~~ **either** of the  
17 following conditions occurs:



1 (1) The child is emancipated before becoming ~~twenty-one (21)~~  
 2 **eighteen (18)** years of age. In this case the child support, except for  
 3 the educational needs outlined in section 2(a)(1) of this  
 4 chapter, terminates at the time of emancipation, although an order  
 5 for educational needs may continue in effect until further order of  
 6 the court.

7 (2) The child is incapacitated. In this case the child support  
 8 continues during the incapacity or until further order of the court.

9 ~~(3) The child:~~

10 (A) is at least ~~eighteen (18)~~ years of age;

11 (B) has not attended a secondary or postsecondary school for  
 12 the prior ~~four (4)~~ months and is not enrolled in a secondary or  
 13 postsecondary school; and

14 ~~(C) is or is capable of supporting himself or herself through~~  
 15 ~~employment.~~

16 In this case the child support terminates upon the court's finding  
 17 that the conditions prescribed in this subdivision exist. However,  
 18 if the court finds that the conditions set forth in clauses (A)  
 19 through (C) are met but that the child is only partially supporting  
 20 or is capable of only partially supporting himself or herself, the  
 21 court may order that support be modified instead of terminated.

22 (b) For purposes of determining if a child is emancipated under  
 23 subsection (a)(1), if the court finds that the child:

24 (1) has joined the United States armed services;

25 (2) has married; or

26 (3) is not under the care or control of:

27 (A) either parent; or

28 (B) an individual or agency approved by the court;

29 the court shall find the child emancipated and terminate the child  
 30 support.

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